

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FRED WALKER,)
)
 Movant,)
)
 v.) No. 4:08CV638 HEA
)
)
 UNITED STATES OF AMERICA,)
)
)
 Respondent.)

OPINION, MEMORANDUM AND ORDER

This matter is before the Court upon review of movant's "Supplement to Movant's 28§2255 Motion" [Doc. #1], which this Court will liberally construe as a 28 U.S.C. § 2255 motion to vacate, set aside, or correct sentence.¹

Movant's motion for § 2255 habeas corpus relief has not been filed on a court-provided form and does not comply with Rule 2 of the Rules Governing Section 2255 Proceedings for the United States District Courts. Both this Court's Local Rule 2.06(A) and Rule 2 of the Rules Governing Section 2255 Proceedings for the United States District Courts give this Court the authority to order movant to amend his motion on a court-provided form. Movant is advised that the amended § 2255 motion will

¹It does not appear that movant has a pending 28 U.S.C. § 2255 motion to vacate, set aside, or correct sentence in this Court. As such, the Court will construe the instant “supplement” as a new action.

supercede his original "Supplement to Movant's 28§2255 Motion" [Doc. #1].²

In accordance with the foregoing,

IT IS HEREBY ORDERED that, in addition to a copy of this order, the Clerk shall forward to movant the court-provided form (AO form 243) for filing a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence by a person in federal custody.

IT IS FURTHER ORDERED that movant shall complete and return his amended § 2255 motion within thirty (30) days from the date of this order. Movant shall include in said amended motion any and all grounds for relief that he wishes to pursue and that are available to him under 28 U.S.C. § 2255.

IT IS FURTHER ORDERED that if movant fails to complete and return his amended § 2255 motion within thirty (30) days, the Court will dismiss the instant action, without prejudice.

IT IS FURTHER ORDERED that upon movant's filing of the form motion, the Clerk shall resubmit this matter to the Court for review under Rule 4 of the Rules

²The Court will order the Clerk of Court to forward to movant the court-provided form for filing a 28 U.S.C. § 2255 motion to vacate, set aside, or correct sentence by a person in federal custody.

Governing Section 2255 Proceedings for the United States District Courts.

Dated this 20th day of May, 2008.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE